

SENATE BILL 2288

By Bell

AN ACT to amend Tennessee Code Annotated, Title 40,  
Chapter 35, relative to sentencing.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-35-311(d)(1), is amended by adding the following language at the end of the subdivision:

If the trial judge finds by a preponderance of the evidence that the defendant has violated the conditions of probation and suspension of sentence, then the court may revoke the defendant's probation and suspension of sentence, in full or in part, pursuant to § 40-35-310. The court may sentence the defendant to a sentence of probation for the remainder of the unexpired term.

SECTION 2. Tennessee Code Annotated, Section 40-35-311, is amended by deleting subdivision (d)(2) and substituting:

(2) Notwithstanding subdivision (d)(1), the trial judge shall not revoke a defendant's probation and suspension of sentence for a felony offense, whether temporarily under subdivision (e)(1) or otherwise, based upon one (1) instance of technical violation or violations.

SECTION 3. Tennessee Code Annotated, Section 40-35-311(e)(1), is amended by deleting the language "If the trial judge revokes a defendant's probation and suspension of sentence after finding, by a preponderance of the evidence, that the defendant engaged in conduct that is a second or subsequent instance of a technical violation" and substituting the language "If the trial judge finds by a preponderance of the evidence that the defendant has

violated the conditions of probation and suspension of sentence for a felony offense by engaging in conduct that is a second or subsequent instance of a technical violation".

SECTION 4. This act takes effect July 1, 2022, the public welfare requiring it, and applies to court determinations made on or after that date.